

AMENDED RULES OF PRACTICE AND PROCEDURE

JASPER SUPERIOR AND CIRCUIT COURTS

THE SUPERIOR AND CIRCUIT COURTS OF JASPER COUNTY

RE: RULES OF PRACTICE AND PROCEDURE FOR THE
SUPERIOR AND CIRCUIT COURTS OF JASPER COUNTY

It is hereby ordered that the following court rules numbered One (1) through Eight (8) inclusive, relating to the practice and procedure in the Superior Court and Circuit Court of this county, be, and the same are adopted effective

Dated this 3rd day of January, 2005.

s/
J. Philip McGraw, Judge
Jasper Superior Court

s/
E. Duane Daugherty, Judge
Jasper Circuit Court

Rule 1

APPEARANCE AND WITHDRAWAL OF APPEARANCE

(A) All pleadings filed shall show the name and address of the individual attorney or attorneys filing the same. All Attorneys for a defendant or third party shall file a formal written appearance for such defendant or third party. Any pleading not signed by at least one attorney appearing of record as required by TR 11, shall not be accepted for filing by the Clerk of the Court or if inadvertently accepted for filing, may, upon discovery of such omission, be stricken from the record. A rubber stamp or facsimile signature on the original copy of such pleading shall not be acceptable.

(B) All withdrawals of appearances shall be in writing and by leave of court. Permission to withdraw shall be given only after the withdrawing attorney has given his client ten (10) days written notice of his or her intention to withdraw, and has filed a copy of such with the court. The attorney's notice of withdrawal to the client shall explain to the client that the failure to secure new counsel may result in dismissal of the client's case or a default judgment may be entered against the client, whichever is appropriate, and other pertinent information such as trial setting date or any other hearing date. In no event will the court grant a request for withdrawal of appearance unless the same has been filed with the court at least ten (10) days prior to trial date, except for good cause shown.

(C) In criminal cases, withdrawal of representation of a defendant may not be granted except upon hearing conducted in open court on record in the presence of the defendant. Withdrawal of appearance will be allowed without compliance with requirements of this rule if the reason for withdrawal is the inability to locate and communicate with the defendant. In such event a warrant may be forthwith issued for the arrest of the defendant.

(D) A withdrawal of appearance as co-counsel or a withdrawal of appearance when accompanied by the appearance of other counsel shall constitute a waiver of the requirements of Paragraph (B) of this rule.

RULE 2

FORM AND STYLE OF PAPERS, NUMBER OF COPIES, FILING, AND SERVICE

(A) In order that the files in the Clerk's Office may be kept under the system commonly known as flat filing, all papers presented to the Clerk or Judge for filing shall be flat and unfolded except in those instances where it is necessary or convenient to mail said papers to the Clerk or the court, in which case they may be folded. Pages shall have no covers or backs and shall be fastened together at the top and at no other place. All such papers and documents shall be typewritten.

(B) The use of mimeographed or printed forms is not encouraged and such will be accepted for filing only if legible, clearly understandable, and not altered by striking over and/or erasing.

(C) Counsel tendering orders, documents, or papers to the court for filing, shall furnish sufficient copies to the court so that the original may be retained and one copy served on each interested party. Counsel will further furnish envelopes addressed to the interested parties or their attorneys of record with sufficient postage attached, so that a copy may be mailed to each affected party.

(D) Proof of service shall be made by (1) acknowledgment of service signed by the party served or his attorney of record if such party is represented by an attorney; (2) a certificate of service signed by the attorney of record for the serving party; or (3) an affidavit of service by any other person.

RULE 2A

LOCAL RULE CERTIFYING COMPLIANCE WITH TRIAL RULE 5(G)

All pleadings filed by a party shall contain a verification certifying that the pleading complies with the filing requirements of Trial Rule 5(G) applicable to information excluded from the public record under Administrative Rule 9(G).

A certification in substantially the following language shall be sufficient:

I/We hereby certify that the foregoing document complies with the requirements of Trial Rule 5(G) with regard to information excluded from the public record under Administrative Rule 9(G).

(Signed by party or counsel of record)

RULE 3

TRIALS

(A) All counsel of record shall be advised promptly by the court or clerk of the court as to the date and time of trial settings either by individual notice or by providing copies of trial calendars, as the court may direct.

(B) When there are two (2) cases set in court on the same date and at the same time, the case with the older cause number will take precedence unless otherwise ordered by the Court.

(C) All requested special instructions submitted in accordance with TR

51 shall be submitted to the court not later than the close of the plaintiff's or state's evidence. Counsel shall have the right to submit additional instructions after the time above specified on matters which could not have been anticipated in advance of the initial submission. Such requests for special instructions need not be exchanged by counsel until after the evidence has been submitted.

(D) Indiana Pattern Jury Instructions shall be used where applicable.

RULE 4

GENERAL

(A) The ethics of the practice of law require that counsel rise when the Judge enters or leaves the courtroom.

(B) There shall be no smoking in the courtroom at any time. All spectators, counsel or other officers of the court will be expected to observe this rule.

(C) The dignity of the court is to be maintained and preserved at all times. The court will require proper decorum and dress of all persons entering the courtroom.

(D) Counsel for the State of Indiana, the plaintiff or the petitioner shall occupy the counsel table to their left, as they are facing the bench. Counsel for the defendant or respondent shall occupy the counsel table to the right, as they are facing the bench.

RULE 5

WITHDRAWAL OF ORIGINAL RECORDS AND PAPERS

(A) No person shall withdraw any original pleading, paper, record, model or exhibit from the custody of the clerk or other officer of this court having custody thereof without leaving a proper receipt with the clerk or other officer.

(B) No person shall remove any books from the court or judge's chambers or the county law library without leaving a proper receipt with the bailiff, or with the clerk or his or her deputies.

RULE 6

INTERROGATORIES, NUMBER LIMITED

Interrogatories shall be limited to a total of thirty-five (35), including sub-parts, and shall be used solely for the purpose of discovery and shall not be used as a substitute for the taking of a deposition. For good cause shown and upon leave of court first obtained, additional limited number of interrogatories may be propounded.

RULE 7

OPENING STATEMENTS

In the trial of cases, opening statements of counsel shall contain a brief summary or outline of the substance of the evidence intended to be offered, in narrative form, together with necessary explanations, in clear and concise form. Counsel may not use the opening statement to impose or convey proof by means of unsworn facts, or to show documents or other exhibits to the jury in advance of the formal presentation of evidence nor read from letters or reports not formally introduced into evidence, or to argue items of evidence or discuss the law of the case excepting insofar as it is necessary to give the court or jury an understanding of his client's theory of the case to be presented.

RULE 8

EXAMINATION OF WITNESSES AND PROSPECTIVE JURORS

In the examination of witnesses in any hearing or in a bench or jury trial, and in the examination of prospective jurors on voir dire in jury trials, one attorney for each party to the lawsuit or to the matter being heard, AND ONLY ONE, shall conduct the entire examination of each individual witness or of each prospective jury panel. That attorney shall make all of the objections, offers to prove, or other necessary motions which are made during the examination of that witness or jury panel. One attorney at a time and only one will be recognized by the court. Counsel may, however, alternate in examining different witnesses or prospective jury panels.